



A PUBLIC WORKSHOP PRESENTATION

Proposed Changes to the Land Use Regulation Commission's Subdivision and Development Rules

Monday, August 25, 2003 – Orono, Maine
Wednesday, August 27, 2003 – Rangeley, Maine

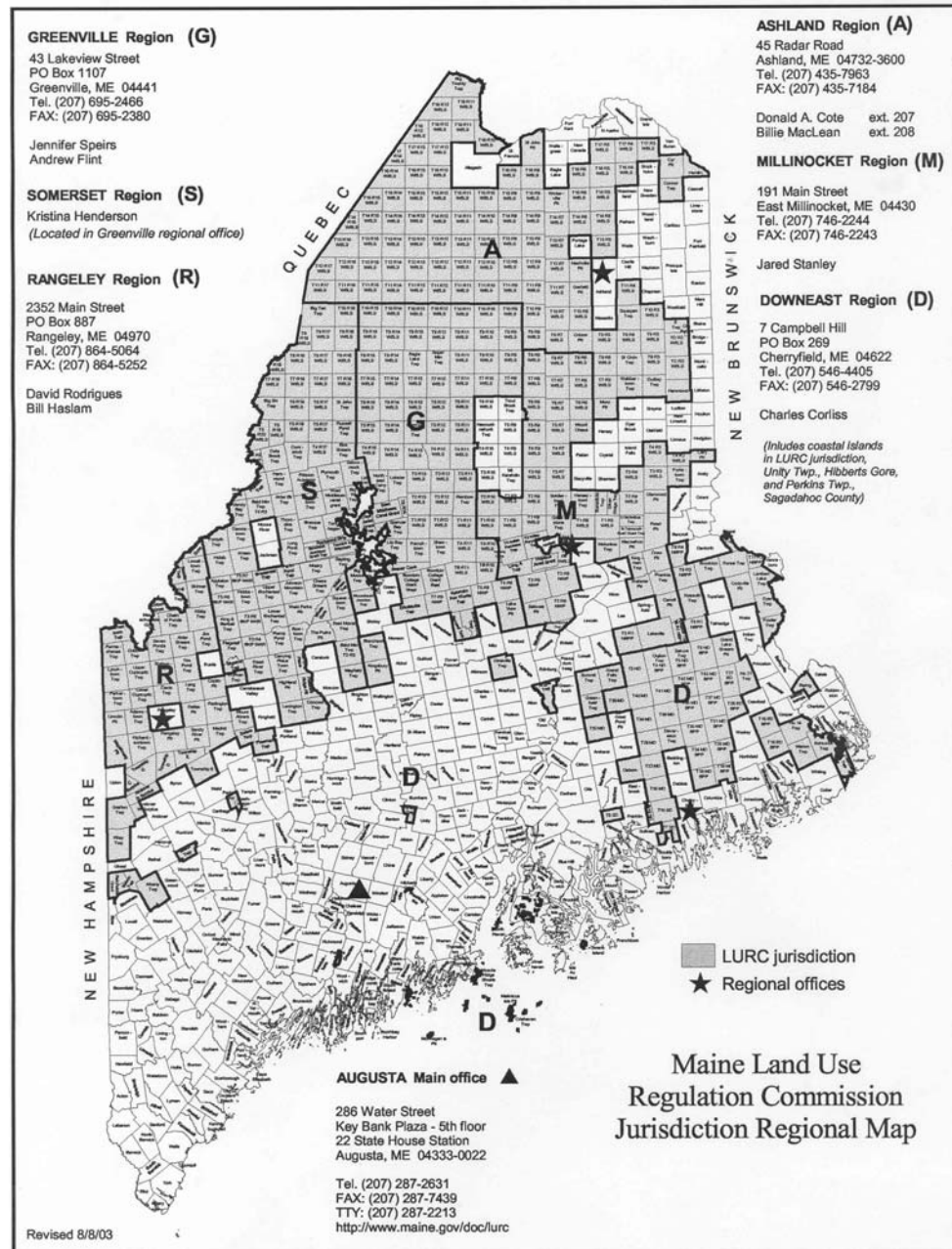
Presented by:

*Agnieszka Pinette, Senior Planner
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About LURC

- Created in 1971 to serve as planning & zoning authority for Maine's townships, plantations & unorganized areas (10.5 million acres).
- Purpose: Extend principles of planning & zoning; preserve public health, safety, & welfare; encourage well-planned, multiple use of natural resources; promote orderly development; protect natural & ecological values.





Introduction

- **LURC's Comprehensive Land Use Plan**
 - Guide development to appropriate locations in the jurisdiction
 - Discourage sprawling growth, encourage orderly growth near compatibly developed areas
 - Adopt standards for major subdivision and development projects
 - Provide incentives for creative site designs that preserve open space and retain natural features
- **Legislative Directive**— “An Act to Refine the Subdivision and Redistricting Authority of the Maine Land Use Regulation Commission” (LD 1198, 1st session, 121st)
 - Reduce processing time and cost
 - Increase predictability of LURC decisions on pending applications



The Rulemaking Process

- **Public Workshops** - Not formal rulemaking proceedings
 - Inform interested persons about the proposed changes
 - Present preliminary draft of revisions
 - Answer any questions
 - Gather additional suggestions and comments on ways to improve proposal
- **Public Hearings** – Formal rulemaking proceedings
 - Gather public testimony (written and/or oral) about the proposed changes within a final draft of revisions
 - Note: Public workshops draft may change prior to public hearing
 - Testimony will be considered by Commission in decision to adopt proposal
 - Public hearing likely be held in November or December 2003



Proposed Changes

- **Reorganize Chapter 10** – Make our rules more “user friendly”.
- **Two-Tier Subdivision Review** – Provide an alternative, more predictable tool for subdividing land.
- **Development Review Standards** – Make our review process for subdivisions and developments of all sizes more predictable.
- **Need Guidance Document** – Provide guidance on how to demonstrate that a project meets a community need.
- **Modify Permit Applications** – Eliminate unnecessary exhibits, make applications simpler for subdivisions, rezoning petitions, commercial and residential developments.



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Current Subdivision Process

■ **Rezoning component** – Zoning Petition

- Reactive approach (case-by-case)
- Usually required for new subdivision proposals
- Rezoning criteria:

“The proposed land use district is consistent with the standards for district boundaries in effect at the time, the comprehensive land use plan (*adjacency principle*) and the purpose, intent and provisions of this chapter; and the proposed land use satisfies a demonstrated need in the community or area and has no undue adverse impact on existing uses or resources...”
[(12 MRSA 685-A(8-A)]

■ **Subdivision component** – Subdivision Application

- Requires detailed technical information (e.g. soils mapping, wetlands delineation, surveying, etc.)



Proposed Subdivision Process: A Two-Tier Subdivision Review

- Level 1 Subdivisions – status quo
 - Rezoning usually required
 - Commission-level decision
 - Standard subdivision permit requirements

- Level 2 Subdivisions – an alternative approach
 - No rezoning
 - Staff-level decision
 - Simplified subdivision permit requirements



Level 2 Subdivision Criteria

■ **Number of Lots:**

- 5 or fewer lots within any 5-year period, or
- 15 or fewer clustered lots

■ **Land Area:**

- Occupies 20 acres or less, or
- 30 acres or less with clustering
- Land area includes lots, roads and other infrastructure

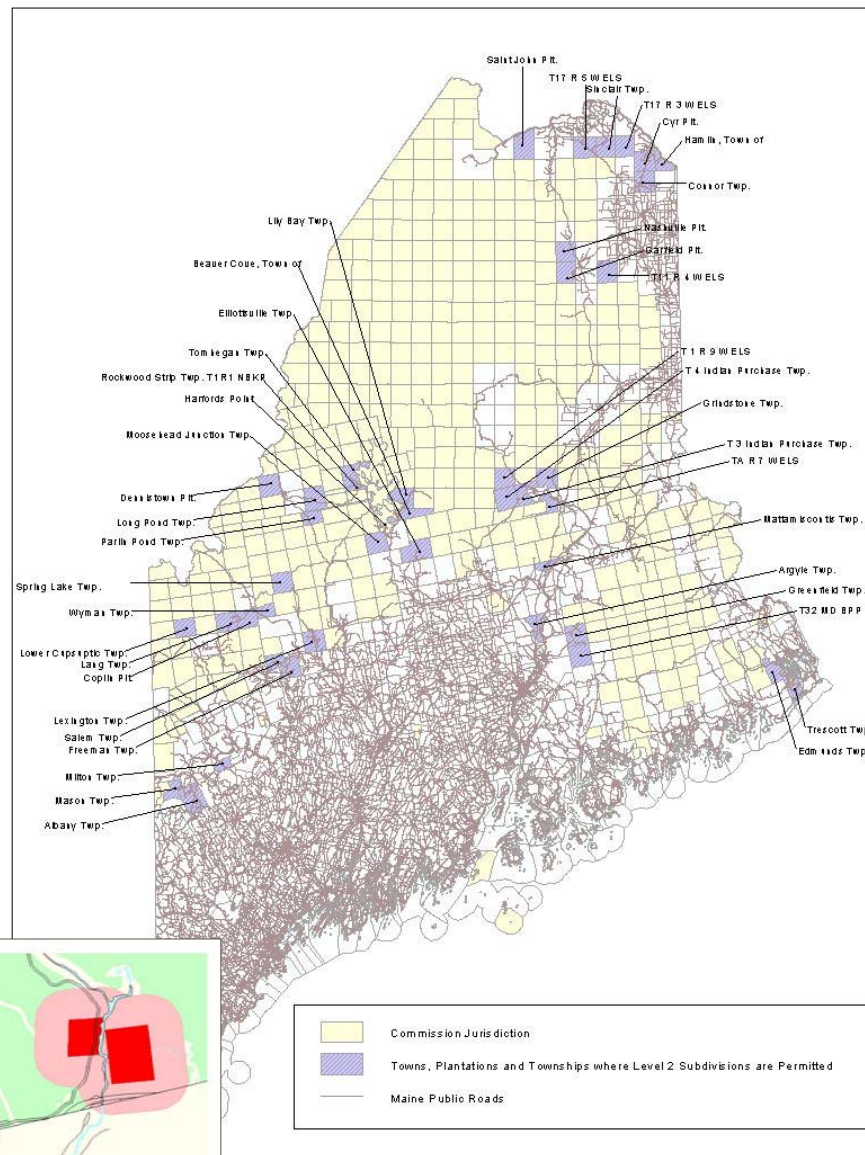
■ **Roads:** No more than 1,500 feet of road construction/improvement

■ **Location:** *(Incorporates adjacency principle)*

- Within 1,000 feet of a public roadway
- Within 1 mile of existing compatible development
- Within M-GN or Development Subdistrict (*i.e. no rezoning*)
- Within one of 42 townships, plantations or towns:



Criteria: Proximity to SPO service center and public road connection, and/or area with special planning needs.





CONVENTIONAL level 2 subdivision

SITE SIZE

20 acres

NUMBER OF UNITS

5 single family homes

LOT SIZES

3½ – 4 acres each

DESIGN & LAYOUT

Shared driveways

Building envelopes

Interconnected roads

Natural features considered





CLUSTERED level 2 subdivision

SITE SIZE
30 acres

NUMBER OF UNITS
10 single family homes

LOT SIZES
 $\frac{3}{4}$ - $1\frac{1}{2}$ acres each

DESIGN & LAYOUT
20 acres in open space
Reduced lot dimensions
(optional)

Shared driveways
Building envelopes
Interconnected roads
Natural features considered





Benefits of Two-Tier Review

- Tool to encourage development in appropriate locations
 - No rezoning required for level 2 subdivisions
 - Simpler application requirements for level 2 subdivisions
- Results:
 - Simpler approach for smaller-scale, appropriately located subdivisions
 - Increased predictability to LURC and applicant
 - Time and cost savings for applicant
- All other subdivisions (level 1) would be reviewed under the traditional rezoning/subdivision review framework



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Development Review Standards

■ **Goals:**

- Increase predictability of LURC decisions: Formalize existing requirements into rule
- Reduce processing time: Speed up application review
- Develop performance and design standards for subdivisions and other development projects

■ **Based on:**

- Recommendations to the Legislature
- Existing agency policies and permit application requirements
- Common recommendations from outside review agencies
- And a few new ideas...



Development Review Standards

- A: Review standards for lake development
- B: Review standards for prospectively zoned areas
- C: Technical & financial capacity
- D: Vehicular circulation, access and parking
- E: Landscape, scenic character, natural & historic features
- F: Noise & lighting
- G: Soil suitability
- H: Solid waste disposal
- I: Subsurface waste water disposal
- J: Water supply
- K: Surface water quality
- L: Phosphorus control
- M: Erosion & sedimentation control
- N: Groundwater quality
- O: Air quality
- P: Wetland alterations
- Q: Subdivision and lot creation
- R: Cluster development
- S: Open space



Development Standards A-D

- **A: Review Standards for Lake Development**
 - Relocated but unchanged (Reference: Section 10.13-B)
- **B: Review Standards for Prospectively Zoned Areas**
 - Relocated (Reference: Section 10.17,B,11)
 - Some standards would apply jurisdiction-wide (e.g. lighting, parking)
- **C: Technical & Financial Capacity**
 - Formalize into rule existing permit requirement
- **D: Vehicular Circulation, Access and Parking**
 - Clarify adequate provision for “loading, parking and circulation of land, air and water traffic” 12 MRSA, §685-A(4)
 - New road construction standards



Development Standards E-H

- **E: Landscape, Scenic, Natural & Historic Features**
 - Incorporate review agency recommendations
 - Preserve landscape, protect scenic character
- **F: Noise & Lighting**
 - New noise limits for commercial and non-residential activities
 - Expand lighting standards to entire jurisdiction
- **G: Soil Suitability**
 - Incorporate review agency recommendations
- **H: Solid Waste Disposal**
 - Incorporate review agency recommendations
 - Reference DEP's solid waste management rules



Development Standards I-L

■ **I: Subsurface Waste Water Disposal**

- Incorporate review agency recommendations
- Include existing standards (Reference: Section 10.17,B,4)

■ **J: Water Supply**

- Incorporate review agency recommendations
- Reference DHS drinking water program rules

■ **K: Surface Water Quality**

- Adopt language from DEP site law and municipal ordinances regarding discharge of water pollutants to surface waterbodies

■ **L: Phosphorus Control**

- Formalize into rule existing permit requirement



Development Standards M-P

■ **M: Erosion & Sedimentation Control**

- Incorporate review agency recommendations
- Include requirement for E/S Control Plan and inspections for certain projects

■ **N: Groundwater Quality**

- Incorporate review agency recommendations
- Reference DHS drinking water program rules

■ **O: Air Quality**

- Adopt language from DEP site law and municipal ordinances regarding air quality

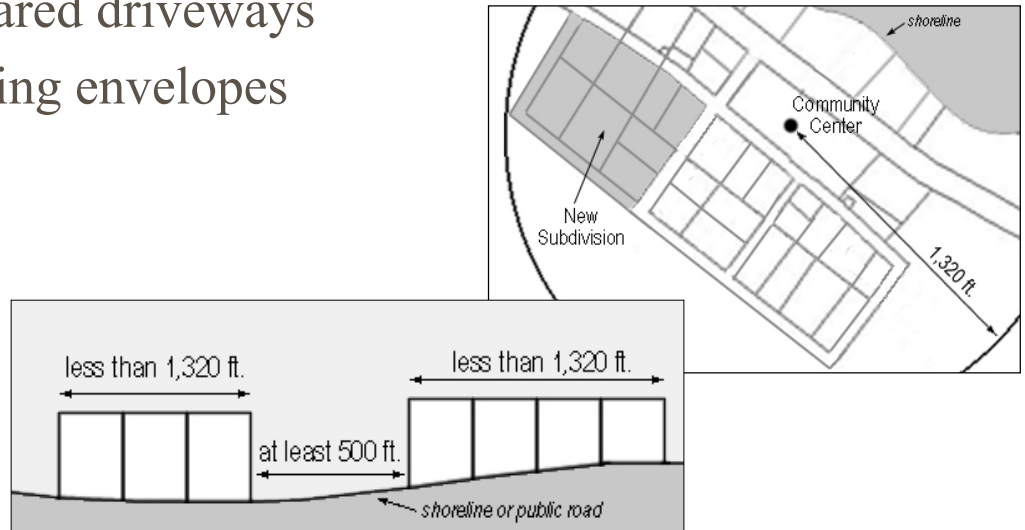
■ **P: Wetland Alterations**

- Relocated but unchanged (Reference: Section 10.17,B,7)



Q: Subdivision and Lot Creation

- Include existing subdivision rules (Ref: Section 10.17,B,9)
- Identify Level 2 Subdivision criteria
- New standards for subdivision layout and design
 - Avoid linear development patterns
 - Encourage shared driveways
 - Identify building envelopes

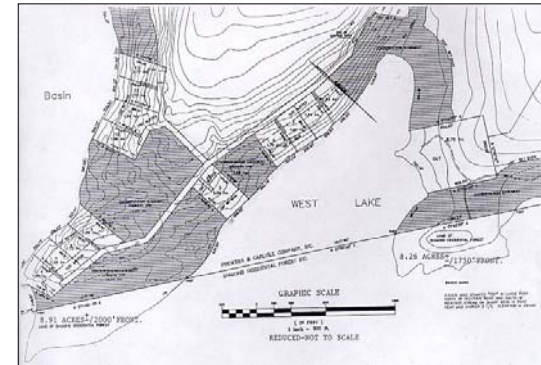




R-S: Clustering & Open Space

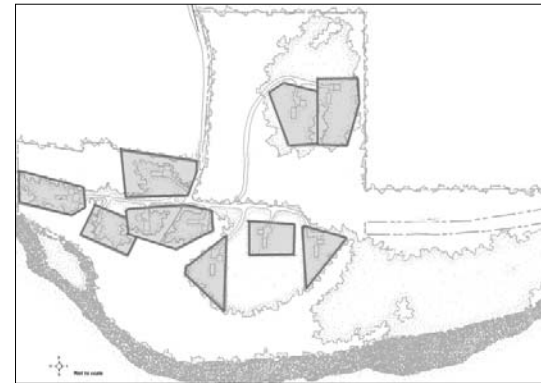
■ R: Cluster Development

- Expand existing clustering standards (Ref: Section 10.17,B,1,g)
- Encourage creative, efficient use of land
- Preserve significant amount and type of open space.



■ S: Open Space

- New standards for preserving open space
- Identify acceptable mechanisms to preserve open space
- Limit uses allowed on open space lots





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Rezoning Guidance Document

- **Clarify rezoning criterion:** Proposed rezoning “satisfies a demonstrated need in the community or area” 12 MRSA §685-A(8-A)
 - Provide guidance to staff in evaluating zoning petitions
 - Provide guidance to petitioners on some considerations used in evaluating need
- **Evaluation Factors:** Just a few examples...
 - Community support
 - Compatibility with community character
 - Impact on community services
 - Availability of vacant zoned lots
 - Need for proposed goods and services



Conclusion

- **What's next?**
 - Incorporate additional comments into final draft
 - Request scheduling of a public hearing (Nov – Dec 2003)
 - Gather public testimony (Dec 2003 – Jan 2004)
 - Present proposed rule changes to Commission for adoption vote (Jan – Feb 2004)
- **For updates on this project, add your name to our interested parties list**

For additional information, please contact:

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Updates on this project may be viewed on LURC's web site:

<http://www.state.me.us/doc/lurc/events/events.htm>

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